

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JORDAN PENLAND, KARL GERNER,)	
EDWARD R. BURKE, AND PAUL C.)	
BURKE,)	
)	Judge Lindsay C. Jenkins
Plaintiffs,)	
)	
vs.)	Case No. 1:21-cv-05581
)	
CHICAGO PARK DISTRICT and ASM)	
GLOBAL,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’ SECOND AMENDED
COMPLAINT FOR FAILURE TO STATE A CLAIM OR, IN THE ALTERNATIVE,
FOR A MORE DEFINITE STATEMENT**

Defendants SMG d/b/a ASM Global (erroneously named and served as “ASM Global”) and the Chicago Park District, by its undersigned attorneys, hereby move the Court for an order dismissing Plaintiffs Jordan Penland’s, Karl Gerner’s, Edward R. Burke’s, and Paul C. Burke’s (“Plaintiffs”) Second Amended Complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6). In the alternative, if the Court finds it cannot fully assess the constitutional and other pure questions of law that mandate dismissal based on the state of Plaintiffs’ pleading, Defendants move the Court for an order requiring Plaintiffs to provide a more definite and precise statement as to the theory of liability for their Illinois Human Rights Act claim, which remains unclear notwithstanding the Court’s order dismissing their First Amended Complaint and directing Plaintiffs to specifically articulate what theory of liability they assert, so Defendants may reasonably respond and the Court can fully analyze its legal defenses. The

reasons for this Motion are set forth in Defendants' brief in support of this Motion filed contemporaneously herewith.

Date: March 31, 2023

Respectfully submitted,

/s/ Christopher Ward
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Chicago Park District*

CERTIFICATE OF SERVICE

I, Christopher Ward, an attorney, hereby certify that on March 31, 2023, I caused the foregoing MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT to be filed through the Court's CM/ECF system, which shall send notification of such filing to all counsel of record at their e-mail addresses on file with the Court.

/s/ Christopher Ward
Christopher Ward